

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION I

In the Matter of:

Docket No. CWA-01-2010-0059

Mt. Tom Generating Company, LLC
Route 5, Smith's Ferry
Holyoke, Massachusetts 01040
NPDES Permit No. MA0005339

Proceeding to Assess a Class II Civil
Penalty Under Section 309(a) of the
Clean Water Act, as amended, 33
U.S.C. § 1319(a)

Respondent.

December 23, 2010

ANSWER TO ADMINISTRATIVE COMPLAINT AND REQUEST FOR HEARING

TO: Wanda Santiago
Regional Hearing Clerk
Environmental Protection Agency-Region I
5 Post Office Square, Suite 100
Mail Code ORA17-1
Boston, MA 02109-3912

Respondent, Mt. Tom Generating Company LLC ("Mt. Tom") submits the following Answer to Administrative Complaint, Docket No. CWA-01-2010-0059 and requests a hearing on this matter.

Statutory Authority

1. Paragraph No. 1 alleges conclusions of law and does not require a response.
2. Paragraph No. 2 alleges conclusions of law and does not require a response.

Respondent

3. Mt. Tom admits the allegations within Paragraph No. 3.
4. Paragraph No. 4 alleges conclusions of law and does not require a response.

Allegations

5. Mt. Tom admits the allegations within Paragraph No. 5.
6. Mt. Tom admits the allegations within Paragraph No. 6.
7. Paragraph No. 7 alleges conclusions of law and does not require a response.
8. Paragraph No. 8 alleges conclusions of law and does not require a response.
9. Mt. Tom admits to the allegations within Paragraph No. 9.
10. Mt. Tom admits the allegations within Paragraph No. 10.
11. Mt. Tom admits the allegations within Paragraph No. 11.
12. Mt. Tom admits the allegations within Paragraph No. 12.
13. Mt. Tom admits the allegations within Paragraph No. 13.
14. Mt. Tom asserts that the NPDES Permit speaks for itself and contains a complete and accurate description of the permit requirements.
15. Mt. Tom admits that stormwater runoff from its construction site discharged to the Connecticut River through Outfall 004 during the months of November 2008, December 2008, April 2009 and May 2009, but denies that such stormwater was subject to the average monthly industrial stormwater limits in its NPDES permit.
16. Mt. Tom admits that stormwater runoff from its construction site discharged to the Connecticut River through Outfall 004 during the months of November 2008, December 2008, April 2009 and May 2009, but denies that such stormwater was subject to the average daily industrial stormwater limits in its NPDES permit.
17. Mt. Tom asserts that the NPDES Permit speaks for itself and contains a complete and accurate description of the permit requirements.
18. Mt. Tom denies the allegations contained within Paragraph 18.